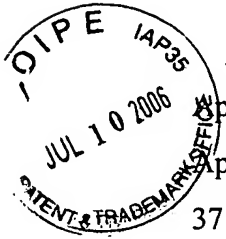


*FW*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: David L. Kaplan, Juliet Fuhrman and Richard A. Gross  
Application No.: 10/767,836 Group Art Unit: 1645  
371(c) Date: January 29, 2004 Examiner: Gau  
Confirmation No.: 2982  
For: EMULSAN ADJUVANT IMMUNIZATION FORMULATIONS  
AND USE

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
on <u>July 6, 2006</u>	<u>Patricia L. Hillery</u>
Date	Signature
<u>Patricia L. Hillery</u>	

STATUS INQUIRY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

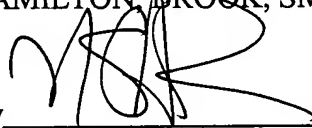
The above-referenced patent application was filed in the U.S. Patent and Trademark Office on January 29, 2004. Applicants received the following items and correspondence from the U.S. Patent and Trademark Office: Notice of Publication of Application, received in our office on January 28, 2005; an Updated Filing Receipt, mailed September 22, 2004; a Notice To File Missing Parts of Nonprovisional Application, mailed June 28, 2004; and a Filing Receipt, mailed June 28, 2004, copies of which are attached to this Status Inquiry as Exhibits A, B, C, and D, respectively. Applicants filed a Reply to the Notice to File Missing Parts on August 11, 2004, a copy of which is attached to this Status Inquiry as Exhibit E.

Application No.: 10/767,836

No further correspondence has been received from the U.S. Patent and Trademark Office in the above-referenced application. A PAIR search, a copy of which is attached as Exhibit F, shows Case Docketed to Examiner in GAU on October 7, 2004, and no further activity since October 7, 2004. Applicants respectfully request notification from the Patent Office of the status of a first Office Action in the above-referenced case.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.



By \_\_\_\_\_

N. Scott Pierce

Registration No.: 34,900

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: 7/6/06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David L. Kaplan, Juliet Fuhrman and Richard A. Gross  
Application No.: 10/767,836 Group: 1645  
Filed: January 29, 2004 Examiner: Not Yet Assigned  
Confirmation No.: 2982  
For: EMULSAN ADJUVANT IMMUNIZATION FORMULATIONS  
AND USE



CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>Aug. 11, 2004</u>	<u>Betsy S. Kirschner</u>
Date	Signature
<u>Betsy S. Kirschner</u>	
Typed or printed name of person signing certificate	

FILE COPY

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Notice to File Missing Parts dated June 28, 2004, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

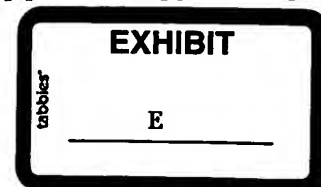
[ ] **EXECUTED DECLARATION FOR PATENT APPLICATION**  
(Separate transmittal letter and postcard not required)

[ ] **POWER OF ATTORNEY DOCUMENT**  
[ ] Granted by Inventor(s)  
[ ] Granted by Assignee, including Statement under 37 C.F.R. 3.73(b)  
(Separate transmittal letter and postcard not required)

[ ] **PRELIMINARY AMENDMENT**  
(Separate transmittal letter and postcard not required)

[ X ] **FILING FEE** - with Fee Transmittal for Patent Applications in duplicate  
Fee calculations based on:  
[ X ] Claims as originally filed  
[ ] The Notice to File Missing Parts states an erroneous number of claims.  
[ ] Claims upon entry of the Preliminary Amendment filed [herewith] [with the application]  
(Separate transmittal letter and postcard not required)

[ X ] **SURCHARGE** - surcharge fee of \$65.00  
(Separate transmittal letter and postcard not required)



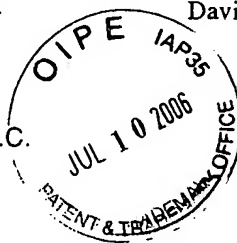


# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/767,836	01/29/2004	David L. Kaplan	1322.1026-005

021005  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133



CONFIRMATION NO. 2982



\*OC000000014852415\*

**Title:** Emulsan adjuvant immunization formulations and use

**Publication No.** US-2004-0265340-A1  
**Publication Date:** 12/30/2004

## NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

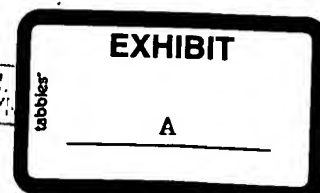
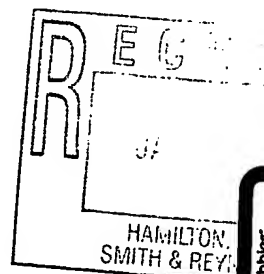
The publication may be accessed through the USPTO's publicly available Searchable Databases via the Internet at [www.uspto.gov](http://www.uspto.gov). The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at [www.uspto.gov](http://www.uspto.gov) using the public side of the Patent Application Information and Retrieval (PAIR)-system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at (703) 305-3028.

Customer Service Center  
Initial Patent Examination Division (703) 308-1202



NSP  
MKM

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/767,836	01/29/2004	1645	450	1322.1026-005	13	13	2

021005  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133



CONFIRMATION NO. 2982

## UPDATED FILING RECEIPT



\*OC000000013858864\*

Date Mailed: 09/22/2004

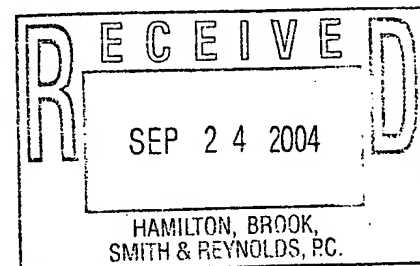
Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

David L. Kaplan, Stow, MA;  
Juliet Fuhrman, Arlington, MA;  
Richard A. Gross, Plainview, NY;

## Assignment For Published Patent Application

Trustees of Tufts University, Medford, MA  
University of Massachusetts, Lowell, MA



**Power of Attorney:** The patent practitioners associated with Customer Number 21005.

## Domestic Priority data as claimed by applicant

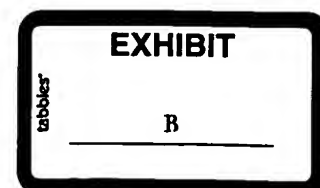
This application is a CON of 09/518,020 03/03/2000 ABN  
which claims benefit of 60/123,056 03/05/1999

## Foreign Applications

If Required, Foreign Filing License Granted: 06/28/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,  
**US10/767,836**

Projected Publication Date: 12/30/2004





Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

**Title**

Emulsan adjuvant immunization formulations and use

**Preliminary Class**

424

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



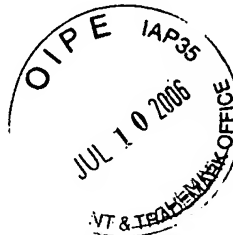
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28 AUG 04 FED  
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United States Patent and Trademark Office  
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/767,836	01/29/2004	David L. Kaplan	1322.1026-005

021005  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133



CONFIRMATION NO. 2982

FORMALITIES LETTER



\*OC000000013093338\*

Date Mailed: 06/28/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

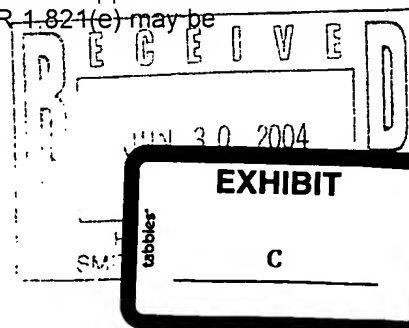
Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:



- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$900** for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

Replies should be mailed to:    Mail Stop Missing Parts  
   Commissioner for Patents  
   P.O. Box 1450  
   Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

Meazo.W  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY





## UNITED STATES PATENT AND TRADEMARK OFFICE

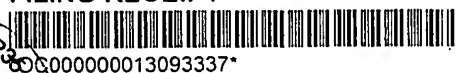
UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/767,836	01/29/2004	1645	0.00	1322.1026-005	13	13	2

CONFIRMATION NO. 2982

021005  
 HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
 530 VIRGINIA ROAD  
 P.O. BOX 9133  
 CONCORD, MA 01742-9133

## FILING RECEIPT



0000000013093337\*

Date Mailed: 06/28/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

David L. Kaplan, Stow, MA;  
 Juliet Fuhrman, Arlington, MA;  
 Richard A. Gross, Plainview, NY;

## Assignment For Published Patent Application

Trustees of Tufts University, Medford, MA;  
 University of Massachusetts, Lowell, MA;

## Domestic Priority data as claimed by applicant

This application is a CON of 09/518,020 03/03/2000 ABN  
 which claims benefit of 60/123,056 03/05/1999

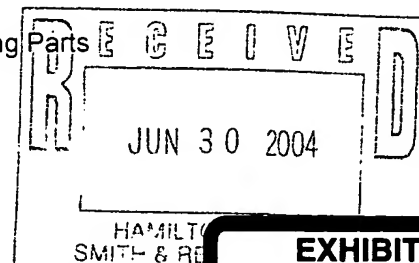
## Foreign Applications

If Required, Foreign Filing License Granted: 06/28/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No



EXHIBIT

tabbler

D

**Title**

Emulsan adjuvant immunization formulations and use

**Preliminary Class**

424

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

☒ **SEQUENCE LISTING** - Filed concurrently and is attached

*(Separate transmittal letter and postcard required)*

☐ **REPLACEMENT DRAWINGS** - ☐ sheets of replacement drawings consisting of Figs. 1 - ☐ are enclosed *(Separate transmittal letter and postcard not required)*

☐ A Petition to Accept Color Drawings/Photographs (Fig(s). ☐) and a Transmittal of Replacement Drawings, with attachments, are enclosed.

*(Separate check for fees and postcard required)*

☐ **PETITION FOR EXTENSION OF TIME**

☐ Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated ☐ for ☐ month(s) from ☐ to ☐ The appropriate fee of \$☐ is included in the enclosed check

☐ A ☐ month extension of time to respond to the Notice to File Missing Parts dated ☐ was filed on ☐ with payment of a \$☐ fee

☐ Applicant hereby petitions for an additional ☐ month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$☐ is included in the enclosed check

*(Separate Petition for Extension of Time and postcard not required)*

☐ **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached

*(Separate transmittal letter and postcard required)*

☒ **STATEMENT CLAIMING SMALL ENTITY STATUS**

☐ Was filed on ☐

☒ Are enclosed herewith (2)

*(Separate transmittal letter and postcard not required)*

☐ In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$☐ which were paid on ☐ to be deposited in Deposit Account No. 08-0380

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$450.00. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

N. Scott Pierce

Registration No.: 34,900

Tel.: (978) 341-0036

Fax: (978) 341-0136

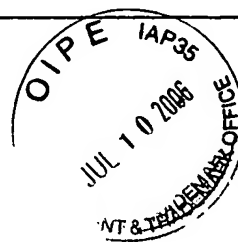
Concord, Massachusetts 01742-9133

Date: 8/11/04

Search results as of: 06-28-2006::15:06:00 E.T.

**Transaction History**

<b>Date</b>	<b>Transaction Description</b>
10-07-2004	Case Docketed to Examiner in GAU
08-13-2004	Reference capture on IDS
10-07-2004	IFW TSS Processing by Tech Center Complete
08-13-2004	Information Disclosure Statement (IDS) Filed
09-22-2004	Application Return from OIPE
09-22-2004	Application Return TO OIPE
09-21-2004	Application Dispatched from OIPE
09-22-2004	Application Is Now Complete
08-11-2004	Payment of additional filing fee/Preexam
08-11-2004	An assertion that the nature of the legal entities having property rights to the patent authorizes t
08-13-2004	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in
09-16-2004	CRF Is Good Technically / Entered into Database
06-28-2004	Notice Mailed--Application Incomplete--Filing Date Assigned
03-23-2004	Cleared by L&R (LARS)
03-11-2004	Referred to Level 2 (LARS) by OIPE CSR
02-06-2004	IFW Scan & PACR Auto Security Review
01-29-2004	Initial Exam Team nn

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